REMARKS

Claims 1-31 are currently pending in this application, and are rejected in the final Office Action of December 7, 2010. Claims 1, 8 and 31 are amended herein to more particularly point out and distinctly claim the subject matter regarded as the invention. Reconsideration of the pending application is respectfully requested in view of the accompanying amendments and following remarks.

Re: Patentability of Claims 1, 5, 8, 9, 17 and 27-31 under 35 U.S.C §103

Claims 1, 5, 8, 9, 17, and 27-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,177,931 issued to Alexander et al. (hereinafter "Alexander") in view of U.S. Patent No. 6,446,261 issued to Rosser (hereinafter "Rosser"), and further in view of U.S. Patent No. 6,681,396 issued to Bates et al. (hereinafter, "Bates"). Applicants respectfully traverse this rejection for at least the following reasons.

At the outset, Applicants continue to respectfully disagree with the Examiner regarding the teachings of Alexander. Specifically, Alexander clearly discloses an electronic program guide with customized aspects of the electronic program guide and customized presentation of advertising based on an individual viewer's profile. That is, Alexander uses collected profile information to provide a specifically tailored programming guide for a single viewer based on the assumed preferences of the viewer. In contrast, the claimed invention focuses on defining a plurality of demographic groups and associating a given viewer with one of these demographic groups for purposes of, for example, providing preferred program guide information. Applicants submit that this is a fundamental difference between the claimed invention and Alexander that is not remedied by the other cited references. Moreover, Applicants incorporate by reference in entirety, the remarks and arguments from their previous responses.

Notwithstanding the aforementioned fundamental difference between the claimed invention and the prior art, to advance the prosecution, Applicants have amended independent claims 1, 8 and 31 herein to further distinguish over the prior art. In particular, independent claims 1, 8 and 31 each recite the use of two of the novel preference ratios described on pages 26-28 of Applicants' specification, namely a first ratio of time watched to time available for at least one non-hopping program, and a second ratio of time watched to time available for at least one program with hopping, wherein hopping represents an act of leaving and returning to the same program (see ratios 1 and 4 on page 26). As described in Applicants' specification, these novel ratios are particularly useful in establishing viewer preferences. Applicants submit that none of the cited references, whether taken individually or in combination, discloses or suggests, *inter alia*, the desirability of using the aforementioned first and second ratios in combination with each other to establish viewer preferences in the manner as claimed.

Accordingly, in view of the foregoing remarks and accompanying amendments, Applicants submit that independent claims 1, 8 and 31 (and their respective dependent claims) are patentable over the proposed combination of Alexander, Rosser and Bates, and withdrawal of the rejection is respectfully requested.

Re: Patentability of Claims 2-4, 10-13, 16 and 22-26 under 35 U.S.C §103

Claims 2-4, 10-13, 16 and 22-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Alexander, Rosser, Bates and further in view of U.S. Patent Application Publication No. 2005/0235318 to Grauch et al. (hereinafter "Grauch"). Applicants respectfully traverse this rejection since Grauch is unable to remedy the deficiencies of Alexander, Rosser and Bates pointed out above in connection with independent claims 1 and 8 (from which claims 2-4, 10-13, 16

and 22-26 ultimately depend). Accordingly, withdrawal of the rejection is respectfully requested.

Re: Patentability of Claims 6, 7, 14, 15 and 18-21 under 35 U.S.C §103

Claims 6, 7 14, 15 and 18-21 are rejected under 35 U.S.C §103(a) as being unpatentable over Alexander, Rosser, Bates and further in view of U.S. Patent No. 6,981,040 to Konig (hereinafter "Konig"). Applicants respectfully traverse this rejection since Konig is unable to remedy the deficiencies of Alexander, Rosser and Bates pointed out above in connection with independent claims 1 and 8 (from which claims 6, 7 14, 15 and 18-21 ultimately depend). Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

For at least the foregoing reasons, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intention to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809 so that a mutually convenient date and time for a telephonic interview may be

scheduled. Please charge the fee for the RCE to Deposit Account No. 07-0832.

Respectfully Submitted,

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March 7, 2011